



General Assembly

February Session, 2004

***Amendment***

LCO No. 5363

**\*SB0049805363HDO\***

Offered by:  
REP. LAWLOR, 99<sup>th</sup> Dist.

To: Subst. Senate Bill No. 498

File No. 594

Cal. No. 557

***"AN ACT CONCERNING THE COMPENSATION OF JUDGES AND  
FAMILY SUPPORT MAGISTRATES."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 2-40 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) Each nomination made by the Governor to the General  
6 Assembly for the Chief Justice or a judge of the Supreme Court,  
7 Appellate Court or Superior Court shall be referred, without debate, to  
8 the committee on the judiciary, which shall report thereon within  
9 thirty legislative days from the time of reference, but no later than  
10 seven legislative days before the adjourning of the General Assembly.

11 (b) Notwithstanding the provisions of section 4-19, no vacancy in  
12 the position of Chief Justice or judge of the Supreme Court, Appellate  
13 Court or Superior Court shall be filled by the Governor when the  
14 General Assembly is not in session unless, prior to such filling, the

15 Governor submits the name of the proposed vacancy appointee to the  
16 committee on the judiciary. Within forty-five days, the committee on  
17 the judiciary may, upon the call of either chairman, hold a special  
18 meeting for the purpose of approving or disapproving such proposed  
19 vacancy appointee by majority vote. The Governor shall not  
20 administer the oath of office to such proposed vacancy appointee until  
21 the committee has approved such proposed vacancy appointee. If the  
22 committee determines that it cannot complete its investigation and act  
23 on such proposed vacancy appointee within such forty-five-day  
24 period, it may extend such period by an additional fifteen days. The  
25 committee shall notify the Governor in writing of any such extension.  
26 Failure of the committee to act on such proposed vacancy appointee  
27 within such forty-five-day period or any fifteen-day extension period  
28 shall be deemed to be an approval. A proposed vacancy appointee  
29 who is approved by the committee shall fill such vacancy until the  
30 earliest of the following: (1) A successor is nominated by the Governor  
31 and appointed by the General Assembly to fill such vacancy for a full  
32 eight-year term and has qualified, which successor may be such  
33 vacancy appointee, (2) such appointee's nomination by the Governor  
34 to fill such vacancy for a full eight-year term is rejected by the General  
35 Assembly or withdrawn by the Governor, (3) such appointee is  
36 impeached or removed from office pursuant to article fifth of the  
37 Constitution of the state or resigns, retires or dies, or (4) the next  
38 regular session of the General Assembly adjourns sine die.

39 (c) Prior to a public hearing on a judicial nomination, the judiciary  
40 committee may employ a person to investigate, at the request of the  
41 cochairpersons of said committee, any judicial nominee with respect to  
42 the suitability of such nominee for judicial office. Such investigator  
43 shall report his findings to said committee and any such report shall be  
44 confidential and shall not be subject to public disclosure. Such person  
45 shall receive such compensation as may be fixed by the Joint  
46 Committee on Legislative Management for each day he is engaged in  
47 his duties as an investigator.

48 Sec. 2. Subsection (f) of section 51-44a of the general statutes is

49 repealed and the following is substituted in lieu thereof (*Effective from*  
50 *passage*):

51 (f) Except as provided in subsection (e), the commission shall seek  
52 qualified candidates for consideration by the Governor for nomination  
53 as judges for the Superior Court, Appellate Court and Supreme Court.  
54 The commission shall adopt regulations, in accordance with the  
55 provisions of chapter 54, concerning criteria by which to evaluate the  
56 qualifications of candidates, including incumbent judges who seek  
57 appointment to a different court. The commission shall investigate and  
58 interview the candidates, including incumbent judges seeking  
59 appointment to a different court, provided the commission shall not, at  
60 such interview or at any other time, consider or recommend a  
61 candidate for more than one appointment to one court. A list of such  
62 qualified candidates shall be compiled by the commission.

63 Sec. 3. Subsection (j) of section 51-44a of the general statutes is  
64 repealed and the following is substituted in lieu thereof (*Effective from*  
65 *passage*):

66 (j) Except as provided in subsections (e) and (m) of this section, the  
67 investigations, deliberations, files and records of the commission shall  
68 be confidential and not open to the public or subject to disclosure  
69 except that (1) the criteria by which candidates or incumbent judges  
70 who seek reappointment to the same court or appointment to a  
71 different court are evaluated and the procedural rules adopted by the  
72 commission shall be public, and (2) the cochairpersons and ranking  
73 members of the joint standing committee of the General Assembly on  
74 the judiciary shall have access to the files and records of the  
75 commission while in the performance of their duties pursuant to  
76 section 2-40, as amended by this act. Files and records disclosed  
77 pursuant to subdivision (2) of this subsection shall not be further  
78 disclosed.

79 Sec. 4. Subsection (l) of section 51-44a of the general statutes is  
80 repealed and the following is substituted in lieu thereof (*Effective from*

81 *passage*):

82 (l) No member of the commission who is an attorney-at-law shall  
83 apply to the commission, or be considered by the commission, for  
84 recommendation to the Governor for nomination as a judge during  
85 [his] such member's tenure on the commission or for a period of two  
86 years following the termination of [his] such member's tenure on the  
87 commission."

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>